Van Buren County Brownfield Redevelopment Authority Regular Meeting Minutes January 10, 2018

Board of Commissioners Room, 2nd Floor Administration & Land Services Building

1. Call to Order and Determination of Quorum

At 3:30 pm, by Chairperson Lisa Phillips, with attendees/absentees/quorum status as follows:

Board Members Present (6): Lisa Phillips, Cynthia Compton, Jan Petersen, Zach Morris, Kate Hosier, Sarah Moyer-Cale.

Board Members Absent and Excused (2): Jeff Mills, Gail Patterson-Gladney.

Board Vacancies: (1) Ed VanderVries resigned effective December 29, 2017

A quorum (6 of 8) is present.

Others present: Secretary/Treasurer Wayne Nelson, Environmental Consultant Erik Peterson, Kurt Doroh, County Commissioner.

2. Approval of Agenda

There was unanimous consent to approve the Chairperson's prepared agenda.

3. Approval of Minutes of Regular Meeting held December 13, 2017

Motion by Hosier, supported by Morris, to approve the minutes of the Regular Meeting held December 13, 2017, as presented. Approved by a 6-0 vote.

4. Public Comment

There was no public comment.

5. Correspondence

There was no received correspondence.

6. Treasurer's Report

- a. Phillips gave a summary of a meeting held January 5, with her, Erik Peterson and Wayne Nelson, during which numerous procedural and financial issues were examined and discussed.
- b. Nelson presented a Special Report (attached) on tax captures and disbursements, and discussed the various report components.
- c. Motion by Petersen, supported by Hosier, to approve captured tax disbursements as follows: On HomeTown Pharmacy-Bangor project, \$6,803.25 to Grice's Hometown Properties LLC, and \$691.36 to the BRA General Fund for administration; on the HomeTown Pharmacy-Gobles project, \$3,961.46 to Grice's Hometown Properties LLC, and \$440.61 to the BRA General Fund for administration; on the Paw Paw Brewery project, \$68.30 to Black River Enterprises LLC, and \$103.56 to the BRA General Fund for administration. Approved by a vote of 6-0.
- d. Discussed the Meijer-South Haven project, with Erik working to finalize closeout information and other documentation. Motion by Compton, supported by Moyer-Cale, to table this matter until the

February regular meeting. Approved by a vote of 6-0.

- e. Phillips announced that her reached was not able to confirm that Blue Fin Condominium project reimbursement applications submitted in 2010 and 2011 may not have been formally approved by the BRA Board, and that original or confirming approval now should be considered. The Board reviewed the requests and documentation. Motion by Hosier, supported by Morris, to approve the developer's reimbursement requests dated 5/6/2010 for \$26,868.50, and 10/12/2011 for \$11,951.00, with the approval being original if not previously approved and confirming if previously approved. Approved by a vote of 6-0.
- f. Motion by Compton, supported by Hosier, to approve captured tax disbursements on the Blue Fin Cordiaminums Project of \$45.03 to Blue Fin Condominiums LLC, and \$7.27 to the BRA General Fund for administration. Approved by a vote of 6-0.

7. 2018 Regular Meeting Schedule

The Board discussed the 2018 Regular Meeting Schedule as required by the Michigan Open Meetings Act. Motion by Hosier, supported by Moyer-Cale, to establish the 2018 Regular Meeting Schedule as the 2nd Wednesday of each month, at 3:30 p.m., in the Board of Commissioners Chambers, with the Secretary to prepare a formal document and cause it to be posted in the County Clerk's Office and on the county website. Approved by a vote of 6-0.

8. Resignation of Board Member Ed VanderVries

The Chairperson and Secretary received the resignation of Board Member Edward VanderVries, effective December 31, 2017. Mr. VanderVries has ended his employment with Van Buren County and is not a county resident. By unanimous consent, the Board expresses it profound thanks and appreciation to Mr. Ed VanderVries for his years of board service, and for the assistance he gave in establishing financial and project management methods and protocols so necessary for the orderly handling of BRA affairs, and directs the Secretary to so inform Mr. VanderVries. *Note: Mr. VanderVries was so informed.*

9. Applicants for Board Vacancy

The Board discussed four individuals who have expressed interest or willingness to serve as a Board member, and all appear well qualified. The Chair appointed herself to review the individuals as determine whether to recommend one or more to the Chairperson of the County Board of Commissioners.

10. Bylaws Amendment at December 13, 2017 Meeting

The Bylaws Amendment, adopted at the December 13, 2017, and confirmed by the approval of the minutes of that meeting (see Item 3 above), shall now be filed with the County Clerk as required by the Board of Commissioners 5/28/2002 resolution establishing the BRA. *Note: Done by Secretary 1/18/2018.*

11. EPA Grant Update

Erik Peterson reported that both possible projects at the former Auto Specialties site in Hartford Township and the former Fifth Third Bank site in the Village of Lawrence are on hold.

Erik reported that the BRA received a \$2,500 application fee from Morris Investments Group LLC, for the former South Haven Coil site at 05585 Blue Star Highway in South Haven Charter Township, and that initial project work is in progress.

12. Member Leaves Early

Board member Sarah Moyer-Cale departed the meeting at 4:40 p.m., due to another commitment. A guorum (5 of 8) continues.

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13. Board Retreat January 24, 2018

The Board will hold a retreat, commencing at the Paw Paw Brewery Brownfield site on January 24, 2018, at 4:00 p.m., and then moving to the 120 Taphouse & Bistro for dinner and exchange of ideas. Because a quorum of the Board may attend, the Chair called a Special Meeting for this event, noting that no formal business will be transacted, other than a call to order, determination of quorum (which need not be established or maintained), and adjournment. The Secretary will issue and post the meeting notice.

14. Outreach Presentations

Erik Peterson noted that group presentations were and will/may be held as follows: January 10 with Paw Paw Chamber of commerce, January 10 with Bangor City DDA, January 15 with Paw Paw Village DDA, and Greater Paw Paw Business Network.

15. Current Brownfield Plan Status

Erik Peterson reported that the Paw Paw Laundry (Midwest V LLC) site has construction preceding, and the pending Reimbursement Agreement is being reviewed by the County's civil law firm, Miller Canfield. The Mattawan Commercial (Red Arrow Highway) Reimbursement Agreement is also being reviewed by Miller Canfield. Construction continues on the Paw Paw Brewery project. Loan disbursement documentation is still being gathered on the Paw Paw Village Pharmacy project so that BRA loan billings can commence.

16. Adjournment

There being no further business, the Chair adjourned the meeting at 5:13 p.m.

Wayne Nelson, Secretary/Treasurer
VBC Brownfield Redevelopment Authority

Attached: Treasurer's Special Report

Van Buren County Brownfield Redevelopment Authority Treasurer's Special Report – January 10, 2018

- 1. I have conducted a comprehensive review of all tax captures, disbursements and other transactions to the Tax Capture Fund, and relevant records. A summary of the findings and recommended board action is as follows.
- 2. There were numerous cases in the Financial Reports being provided to the Board where the actual taxes captured did not exactly correspond the amounts as shown in the report details. I have doubled checked with actual capture amount as shown on the county's tax software system and with amounts actually credited to the Tax Capture Fund by the County Treasurer.
- 3. The attached sheets show the detail for actual tax capture, prior disbursements, pending disbursements and administration fees.
- 4. In the case of the Meijer South Haven project, it appears that we have captured the maximum as provided by the plan and in fact owe refunds to the various taxing units in the amount of \$4,325.79.
- 5. I have a high level of confidence that we can now properly disburse the captured taxes on hand to those parties entitled to the funds, correct all errors in prior disbursements, and properly allocate amounts to the BRA General Fund and to the Local Brownfield Revolving Fund.
- 6. Today's agenda contains the appropriate actions to be taken to closeout all 2016 and prior tax year activities for the Tax Capture Fund.
- 7. I am continuing to verify non-capture transactions for the last few years. In consultation with Stephen Vicenzi, the county's Chief Financial Officer, we will make whatever journal entries to the BRA group of funds to ensure that the correct current balances are achieved.

Wayne Nelson, BRA Treasurer